



03/01/00

03-02-00

A

Attorney Docket No. 45061-8

Box Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s) : Zsolt I. Hertelendy
Murray Weiner
Michael Howell
Joseph Thomas

For (title) : UROGENTIAL OR ANORECTAL TRANSMUCOSAL VACCINE DELIVERY SYSTEM

1. Type of Application

This new application is for a(n):

- ☒ (X) Original (nonprovisional)
☐ () Continuation
☐ () Continuation-in-part (CIP)
☐ () Divisional
☐ () Design
☐ () Plant

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date March 1, 2000, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EM016592972US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Antoinette P. Wolas

(type or print name of person mailing paper)

Signature of person mailing paper

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s).
2.1 Relate Back

Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. 120, 121 and 365(c)

- ☐ "This is a
 ☐ continuation
 ☐ continuation-in-part
 ☐ divisional

of copending application(s) serial number filed on ."

- ☐ International Application_____ filed on_____ and which designated the U.S."

- ☐ "The nonprovisional application designated above, namely application no._____,
filed_____, claims the benefit of U.S. Provisional Application(s) No(s).:

{list application no(s). and filing date(s)}

B. 35 U.S.C. 119(e) (Provisional Application)

- ☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

2.2 Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 2.1(A), in turn itself claim(s) foreign priority(ies) as follows:

{list country, application no(s). and filing date(s)}

The certified copy(ies) has (have)

- ☐ been filed on_____, in prior application serial no._____, which was filed on_____.

- ☐ is (are) attached.

2.3 Maintenance of Copendency of Prior Application

A. ☐ Extension of time in prior application

☐ A petition, fee and response extends the term in the pending **prior** application until Extension of_____.

☐ A **copy** of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A **copy** of the conditional petition filed in the prior application is attached.

2.4 Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

A. ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) In this application are

☐ the same.

☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

B. ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

☐ the following additional inventor(s) have been added:

C. ☒ The inventorship for all the claims in this application are

☒ the same.

☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

2.5 Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive In that application is granted, and when this application is granted a filing date, so to make this application copending with said prior application.

2.6 Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

2.7 Small Entity (37 CFR § 1.28(a))

- ☐ Applicant has established small entity status by the previous submission of a statement in prior application serial no.

☒ A copy of the statement is included.

2.8. Notification in Parent Application of this Filing

- ☐ A notification of the filing of this
- ☐ continuation
 - ☐ continuation-in-part
 - ☐ divisional
- is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

2.9 Incorporation by Reference

- ☐ the entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

3. Papers Enclosed Which are Required for Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

- ☒ 16 Pages of specification
- ☒ 7 Pages of claims
- ☒ 1 Pages of Abstract
- ☐ Sheets of drawing
- ☐ formal
 - ☐ informal

4. Additional papers enclosed

☐ Amendment to claims:

- ☐ **Cancel** in this application claims_____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☐ **Add** the claims shown in the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims).

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. 1.98)
- ☐ Form PTO-1449
- ☐ References
- ☐ Declaration of Biological Deposit
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

☒ **ENCLOSED.**

- ☐ Newly executed (original or copy)
- ☐ Copy from prior application No. 0/ (37 CFR 1.63(d)- continuation/divisional)
- ☐ DELETION OF INVENTOR(S) - signed statement attached deleting inventor(s) named in the above-noted prior application (37 CFR 1.63(d) and 1.33(b))

Declaration or Oath executed by: (check **all** applicable boxes)

- ☒ inventor(s).
 - ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- ☐ **NOT ENCLOSED.**
- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above named inventor(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.
 - ☐ Showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d)).

6. Inventorship Statement

- ☐ The inventorship for all the claims in this application are:
(X) The same
or
☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted
☐ will be submitted.

7. Language

- (X) English
☐ Non-English
☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- (X) An assignment of the invention to Protein Express
☐ is attached. (A separate "ASSIGNMENT COVER LETTER ACCOMPANYING NEW PATENT APPLICATION" is also attached.)
☐ will follow.
☐ The prior application is assigned of record to _____ copy attached).

9. Certified Copy - Foreign Priority Claim Under 35 U.S.C. 119

Certified copy(ies) of application(s)

{list country, application no(s). and filing date(s)}

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

10. Fee Calculation (37 C.F.R. 1.16)**A. (X) Regular Application**

| CLAIMS AS FILED | | | | |
|--|--------------|--------------|------------|-----------------------|
| | Number Filed | Number Extra | Rate | Basic Fee \$345.00 |
| Total Claims (37 CFR 1.16(c)) | 20 - 20 = | 0 | x \$18.00 | \$0.00 |
| Independent Claims (37 CFR 1.16(b)) | 6 - 3 = | 3 | x \$78.00 | \$224.00 |
| Multiple dependent claim(s), if any (37 CFR 1.16(d)) | 0 | 0 | x \$260.00 | \$ 0.00 |

- () Amendment canceling extra claims enclosed.
 () Amendment deleting multiple dependencies enclosed.
 () Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$569.00

B. () Design Application

(\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

11. Small Entity Statement(s)

- ☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

12. Request for International-Type Search (37 C.F.R. 1.104(d))

- () Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made At This Time

☐ NOT ENCLOSED.

☐ No filing fee is to be paid at this time. (This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)

☒ ENCLOSED

☒ Filing fee \$ 569.00

☒ Recording assignment

(\$40.00; 37 CFR 1.21(h)(1)) \$ 40.00

☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 & 1.17(h))

\$ _____

☐ for processing an application with a specification in a non-English language. (\$130.00 37 CFR 1.52(d) and 1.17(k))

\$ _____

☐ processing and retention fee. (\$130.00; 37 CFR 1.53(d) and 1.21(l))

\$ _____

☐ Fee for international-type search report. (\$40.00; 37 CFR 1.21(e))

\$ _____

Total fees enclosed

\$609.00

14. Method of Payment of Fees

☒ Check in the amount of \$609.00

☐ Charge Account No. 02-2051 in the amount of \$0 A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 02-2051, **identifying our Attorney Docket No. 45061-8**

☒ 37 CFR 1.16(a), (f), or (g) (filing fees)

☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

☒ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to 37 CFR 1.136(a))

☐ 37 CFR 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 CFR 1.311(b))

16. Instruction As To Overpayment

- ☒ Credit Account No. 02-2051, identifying our Attorney Docket No. 45061-8
☐ Refund

17. Incorporation by reference of added pages

☐ The following pages are incorporated by reference:

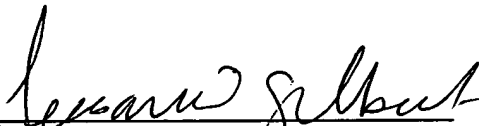
☒ "Assignment Cover Letter Accompanying New Application"; number of pages added

☐ Added Pages For Papers Referred To In Item 4 Above; number of pages added

☐ Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application; number of pages added _____

☒ no further pages form a part of this Transmittal. The transmittal ends with this page.

Date: 3/1/00



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